

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CWPIL No. 28 of 2026****Date of decision: 22.07.2026**

Court on its own motion	...Petitioner
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Versus

State of H. P. & Ors.	...Respondent
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The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.

*Whether approved for reporting?***For the Petitioner:** Court on its own motion.**For the Respondents:** Mr. Gobind Korla, Additional Advocate General, for respondents No. 1 to 3/State.

Mr. Rahul Thakur, Advocate, for respondent No. 4.

Mr. Aman Sood, Advocate, for respondent No. 5.

Mr. Vinod Kumar Suthar, Sr. Executive Engineer, Mr. Chand Singh, Sub Divisional Officer, Mr. Tilak Raj Sharma, Mining Officer and Mr. Rahul Saini, Junior Engineer, are present in person.

G. S. Sandhawalia, Chief Justice (Oral)

The present Public Interest Litigation has been registered on the basis of a communication received in the office, whereby allegations of large-scale mining in the Suketi Khad, District Mandi, have been made.

2. On 30.03.2026, we had directed the Secretary, District Legal Services Authority, Mandi to give his report by

inspecting the site. Adverse report as such had come that machinery as such had been utilised in the said khad. Resultantly, we had directed the Mining Officer to come present before this Court and to give explanation as to what steps have been taken in the matter.

3. As per the affidavit filed the muck/silt was stated to have been cleared by the BBMB through the Sr. Executive Engineer, BR SC and Plant Design Division, BBMB, Sundernagar as per the work order dated 24.12.2025. Resultantly, we impleaded the BBMB as respondent No. 5.

4. The affidavit on behalf of BBMB has now been filed through Sr. Executive Engineer in which it is stated that he was not aware of the pendency of the present petition and only came to know after the order dated 03.06.2026 was passed by this Court that the BBMB had been impleaded as party-respondent and had not been called or notified by the Secretary, DLSA or by the officials of Mining Department to join inspection team at the relevant time.

5. Reference is made to the Beas-Sutlej Link Project, Sundernagar forming part of Beas Project, which has some special features including Balancing Reservoir for dredging of silt. The dredger installed in the Balancing Reservoir at Sundernagar dredges out silt which settles at bottom of reservoir and is ejected into Suketi Khad, where it passes through a

channel known as “Diversion Suketi Khad (RD 0-7800), so that silt laden water does not enter adjacent fields. The maintenance of the said khad was done by the Project authorities, to avoid entry of silt into the adjacent fields/locality and that extensive damage can be caused to the turbine’s installed in the Power House at Slapper, if the silt ejection is not done.

6. On representation of local residents and MLA, the work estimate had been prepared since the flash floods during the year 2023-24 and 2024-25, both banks of Suketi Khad had been damaged. One plan work site of the khad had been prepared to avoid entry of the water/silt into the adjacent fields as per the map (Annexure R-A) and cunette had to be constructed to keep up to existing average bed level of Suketi Khad to smoothen flow of water towards centre of bed of the khad. It has been mentioned that excavated material has not been removed from the Khad by the Contractor Amjad Khan after completion and final payment of Rs. 4,98,750/-. It is mentioned that there is no mining activity performed and only muck/silt has been deposited in the Suketi Khad and the same has been cleared for smooth running of water and to avoid loss to agriculture fields of local inhabitants. It is submitted that cunette is at the bend upstream of sharp elbow bend at distance of about 260 mtrs. downwards of VR bridge (Lassi Ka Dora) and cunette had been constructed in the centre of the khad and the same is

at the distance of 260 mtrs. The cleared material has not been removed by the contractor or any other agency of BBMB and the same has been stacked on the bank of Suket Khad.

7. The stand of the Mining Officer, Mandi in the fresh affidavit is also the same that the clearance of muck/silt has been done by the Contractors to whom the work has been awarded for smooth running/flow of water so that adjoining agriculture fields of local inhabitants could be protected from flood, especially in rainy season.

8 Learned counsel for the State has also referred to the earlier affidavit filed and the permission granted to Amjad Khan on 24.12.2025 to complete the work of the silt management system of BSL Project during 2025-26.

9. In such circumstances, we are of the considered opinion that since the work has been carried out for the purpose of channelising the water to avoid entry of silt into the adjoining fields and the action taken by the respondents cannot be held to be without any justification, accordingly we drop the proceedings as such. It is, however, made clear that whatever material has been excavated, the same be disposed of in accordance with law by the State by duly auctioning the same by way of putting it in public domain. It is also made clear that in future the BBMB has to grant any such kind of work in the river bed, the necessary

intimation be also given to the District Administration so that the administration has knowledge of such work being carried out.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

22nd July, 2026
(sanjeev)